



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada



# Annual Report on the Administration of the ACCESS TO INFORMATION ACT

## 2008-2009

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# 1 Introduction

This report to Parliament describes the activities of the Office of the Information Commissioner of Canada (OIC) that support compliance with the *Access to Information Act (ATIA)* in accordance with section 72.<sup>1</sup>

The purpose of the *ATIA* is to provide Canadians with access to records under the control of federal institutions, except for records subject to limited and specific exemptions. The *Act* also specifies that any decisions on disclosure of information should be reviewed independently of government; the OIC therefore reports directly to Parliament.<sup>2</sup>

The Information Commissioner's mandate is to investigate complaints from individuals who feel that their rights to access have not been respected by federal institutions. The Commissioner is also entitled to initiate a complaint if there are reasonable grounds to do so<sup>3</sup>.

The period from April 1, 2008 to March 31, 2009 was an event-filled time for the OIC on several fronts. Highlights in this report include:

- We increased the capacity of the ATIP Secretariat to process requests. The Treasury Board funding secured in 2008-2009, was used to hire two new ATIP analysts and purchase an electronic request processing system, which was implemented mid-year. An ATIP Assistant position was also filled from the existing budget.
- We experienced an increase of 20 percent in the volume of requests received and the volume of pages reviewed surged by 414 percent over the course of the year. Despite the increase in workload, the ATIP Secretariat maintained its previous rate of compliance.
- We made considerable strides in our information management, both in the ATIP Secretariat, and in the larger organization. Improvements such as network consolidation, business process transformation of IT procedures and a shift to electronic service delivery helped us operate more efficiently while at the same time improving our clients' access to information.

Finally, in order to continue safeguarding the integrity of the complaints process, an independent, arms length ombudsman was contracted to investigate complaints against the OIC. For the first month of the review period, the Honourable Peter de C. Cory filled the duties of Information Commissioner *Ad Hoc* as he had done the previous fiscal year. Subsequently, the Honourable W. Andrew MacKay began operating under the same legislated functions and powers as the Information Commissioner in receiving and investigating complaints against the Office. Copies of the delegation order and the revocation order for Mr. de C. Cory and the delegation order for Mr. McKay are attached as Appendices A, B and C.

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<sup>1</sup> *Access to information Act*, R.S., 1985, c. P-21

<sup>2</sup> *Ibid.* s. 2 (1)

<sup>3</sup> *Ibid.* s.30 (3)

## 2 Organization

The OIC has 82 full-time employees. It is divided into four main branches.

- The Complaints Resolution and Compliance Branch carries out investigations and dispute resolution efforts to resolve complaints.
- The Policy, Communications and Operations Branch assesses federal institutions' performance under the Act, conducts systemic investigations and analyses, provides strategic policy direction for the Office, leads the Office's external relations with the public, the government and Parliament, and provides strategic and corporate leadership in the areas of financial management, internal audit and information management.
- The Legal Services Branch represents the Commissioner in court cases and provides legal advice on investigations, as well as legislative and administrative matters.
- The Human Resources Branch oversees all aspects of human resources management and provides advice to managers and employees on human resources issues.

The ATIP Secretariat, which was established within the Policy, Communications and Operations Branch, administers and processes requests for OIC information under the *ATIA*. The staff of the Secretariat in 2008-2009 comprised four persons:

- the Director, Information Management Division, who, as institutional ATIP Coordinator also holds the full delegated authority under the *ATIA*;
- the Senior ATIP analyst who is responsible for the processing of complex and/or voluminous files, and the second review of completed requests;
- the Junior ATIP analyst who administers straightforward smaller volume applications under the *ATIA*; and
- the ATIP Assistant, who enters all applications into the electronic system, acknowledges requests, performs imaging services, produces reports and is responsible for other administrative tasks as required.

## 3 Delegation Order

Under section 3 of the *ATIA*, the Commissioner as the head of the institution, is delegated the power to administer the legislation.

During the reporting period, two consecutive additional delegation orders were put in place that echoed changes in staffing within the organization. At the beginning of the year, the first delegation order provided that the Assistant Commissioner, Policy, Communications and Operations, the ATIP Coordinator, and the Senior Policy Analyst

were entitled to administer the *Act*. The second order stipulated the delegation was held by the Assistant Commissioner, the Director, Information Management and the Director, Strategic Case Management.

Copies of both delegation orders are attached as Appendices D and E.

## 4 Statistical Report

The statistical report is attached as Appendix F.

## 5 Interpretation of the Statistical Report

The statistical report details all aspects of the requests the ATIP Secretariat dealt with during the reporting period from April 1, 2008 to March 31, 2009. During the reporting the OIC received a total of 113 access requests. The three most common are:

1. Open or closed investigative files
2. Applications for records relating to human resources matters
3. Requests relating to OIC contracting activities

### 5.1 Sources of requests

<b>Table I – Source of ATI requests to the OIC between April 1, 2008 and March 31, 2009</b>		
<b>Source</b>	<b>Number of requests</b>	<b>Percentage</b>
Business	84	<b>74.34</b>
General Public	17	<b>15.04</b>
Media	10	<b>8.85</b>
Political Party	1	<b>0.88</b>
Organization	1	<b>0.88</b>
<b>Total</b>	<b>113</b>	<b>99.99</b>

As Table I shows, the OIC predominantly received access requests from the “business” category. On some occasions, multiple requests arrived within a short period of time, and in one instance, 24 applications were received within two days. Several of these applications were for a large volume of records (in excess of 5,000 pages each). The result was a yearly increase in the number of pages from 7,000 in 2007-2008, to approximately 40,000 pages in 2008-2009, a 414 percent increase in workload that is directly attributable to one source.

The impact on the ATIP Secretariat workload was considerable; however, we were determined to maintain perfect compliance with standard deadlines and only resort to time extensions when absolutely necessary and justifiable. As a result, despite the workload pressure, all requests from that source during that period were responded to within the legislated time frame, and extensions were only applied where absolutely necessary.

The second most frequent source of ATIP requests was the general public followed by the media.

## ***5.2 Received during reporting period***

<b>Table II – ATI requests received by the OIC between April 1, 2008 and March 31, 2009</b>		
<b>Requests</b>	<b>Number of requests</b>	<b>Percentage</b>
Completed during the reporting period	109	96.46
Carried forward	4	3.54
Received during the reporting period	<b>113</b>	<b>100</b>

Almost all the requests received were completed by the end of the fiscal year; those carried over had been received in the last days of the reporting period.

## ***5.3 Disposition of completed requests***

<b>Table III – Disposition of requests completed by the OIC between April 1, 2008 and March 31, 2009</b>		
<b>Disposition</b>	<b>Number of requests</b>	<b>Percentage</b>
Disclosed in part	64	<b>58.72</b>
All Disclosed	27	<b>24.77</b>
Nothing disclosed (all exempted)	7	<b>6.42</b>
Unable to process	6	<b>5.50</b>
Abandoned by applicant	3	<b>2.75</b>
Nothing disclosed (all excluded)	2	<b>1.83</b>
<b>Total</b>	<b>109</b>	<b>99.99</b>

The most frequent outcome of requests processed by the ATIP Secretariat was partial disclosure, full disclosure was the second, and the third level of disposition was all records being exempted.

## 5.4 Exemptions invoked

**Table IV – Exemptions invoked by the OIC between April 1, 2008 and March 31, 2009**

Section of the Act	Number of requests	Percentage	Total Number	Total Percentage
Paragraph 13 (1) (c) (Information obtained in confidence)	2	1.49	<b>2</b>	<b>1.49</b>
Paragraph 15 (1) (g) (International Relations)	1	0.75	<b>1</b>	<b>0.75</b>
Sub-Paragraph 16 (1) (a) (ii) (Enforcement of Canadian law)	4	2.99	<b>21</b>	<b>15.67</b>
Paragraph 16 (1) (b) (Investigative techniques / Plans for lawful Investigations)	1	0.75		
Paragraph 16 (1) (c) (Enforcement of Canadian Law or Conduct of Lawful Investigation)	5	3.73		
Subsection 16 (2) (Security / Facilitate Commission of an Offence)	1	0.75		
Paragraph 16 (2) (c ) (Security of Buildings or Systems)	10	7.46		
Paragraph 16.1 (1) (c) Ongoing OIC Investigations)	16	11.94		
Subsection 19 (1) (Personal Information)	52	38.81	<b>52</b>	<b>38.81</b>
Paragraph 20 (1 ) (a) (Third Party Trade Secrets)	3	2.24	<b>28</b>	<b>20.90</b>
Paragraph 20 (1 ) (b) (Financial, Technical or Scientific Information of a 3 <sup>rd</sup> Party)	14	10		
Paragraph 20 (1 ) (c) (Financial Loss or Affected Competitive Position of Third Party)	5	3.73		
Paragraph 20 (1) (d) (Interference with Contractual Negotiations)	6	4.48		
Paragraph 21 (1) (a) (Policy Advice)	2	1.49		
Paragraph 21 (1) (b) (Consultations or Deliberations)	1	0.75	<b>4</b>	<b>2.99</b>
Paragraph 21 (1) (d) (Management of Personnel)	1	0.75		
Section 22 (Internal audits)	3	2.24		
Section 23 (Solicitor Client Privilege)	5	3.73	<b>5</b>	<b>3.73</b>
Section 26 (To be published in 90 days)	2	1.49	<b>2</b>	<b>1.49</b>
<b>Total</b>	<b>134</b>	<b>100.00</b>	<b>134</b>	<b>100.00</b>

This reporting period marked a change from the first year of ATIP operations, in terms of the application of exemptions, since the most frequent exemption during this reporting period was the severing of personal information under subsection 19(1). During the previous reporting period, the most frequent exemption cited was section 16.1, which was applied to protect records related to ongoing OIC investigations.

As indicated above, the most frequent exemption invoked was subsection 19(1) which was cited in 52 requests where the personal information of third parties was involved. The frequency of this exemption is directly related to the fact that the OIC received so many requests about HR processes such as staffing of positions, leave, administration and employee retention.

The second most frequently cited exemption was section 20, records that related to contracting, which contained the financial information of third parties. Consultations were undertaken with third parties to determine whether they would consent to the release of information prior to the application of section 20.

The third most frequent exemption applied was subsection 16(1), Law Enforcement and Investigations in relation to requests that concerned ongoing investigations in federal institutions, or where information related to the investigative process required protection.

## **5.5 Exclusions cited**

**Table VI – Exclusions cited by the OIC between April 1, 2008 and March 31, 2009**

<b>Section of the Act</b>	<b>Number</b>	<b>Percentage</b>
Subsection 68 (a)	2	<b>66.66</b>
Paragraph 69 (1) (a)	1	<b>33.33</b>
<b>Total</b>	<b>3</b>	<b>99.99</b>

There were two requests received during the reporting period in which all records were excluded under subsection 68(a) since the documents would be published within 90 days. Because of the “duty to assist” provisions in the legislation, the ATIP Secretariat monitored the publication process. In one instance, when publication was delayed, the draft records were provided to the requester with an explanation. In the remaining instance, as soon as publication occurred, the requesters were notified that the report was available and were provided with a copy.



## 5.6 Completion times

**Table VI – Completion times for requests between April 1, 2008 and March 31, 2009**

Period	Number	Percentage
30 days or under	88	80.73
31-60 days	16	14.68
61-90 days	5	4.59
121-150 days	0	0
<b>Total</b>	<b>109</b>	<b>100</b>

For the second year in a row, the ATIP Secretariat was successful in responding to the vast majority of access requests within the legislated timeframe of 30 days. The average completion time was 36.11 days. This result reflects the OIC's commitment to ensure that extensions are only applied in exceptional cases and that even when consultations are required, every effort will be made to complete the request in a timely manner.

## 5.7 Extensions

**Table VII – Extensions to the statutory timelines applied by the OIC between April 1, 2008 and March 31, 2009**

Reason	30 days or under	31 days or over	Total	Percentage
Volume / Searching	16	3	19	76
Consultation	0	3	3	12
Third Party	0	3	3	12
<b>Total</b>	<b>16</b>	<b>9</b>	<b>25</b>	<b>100</b>

There were 19 extensions (76 percent) applied under section 9 to allow time to deal with volume and searching on requests for large volumes of records. The remaining six extensions were applied to allow time to consult with other federal institutions or third parties. When extensions of over 30 days were applied, notices were sent to the Information commissioner Ad Hoc

The total number of extensions is not consistent with the total number of completed files, since in two instances, extensions were applied under all three paragraphs of section 9. In other words, extensions were applied on two requests for (1) dealing with the volume and searching requirements, (2) consultations with other federal institutions, and (3) third-party consultations. .

## 5.8 Translations

There were no translations requested during the reporting period.

## 5.9 Method of Access

**Table VIII – Method of Access for requests to the OIC between April 1, 2008 and March 31, 2009**

Method	Number of occurrences	Percentage
Copies given	81	89.01
Examination	8	8.79
Copies and Examination	2	2.20
<b>Total</b>	<b>91</b>	<b>100</b>

The method of access to records requested under the ATI fell into two categories during this time. For the first two quarters of the fiscal year, requesters were provided with paper copies and at times, photocopy fees were assessed prior to release. Alternatively, in an effort to avoid charging requesters, records were made available for review in the institutional reading room. In the third quarter, the ATIP Secretariat implemented electronic request processing software and applicants received the responses to their requests in CD-ROM format.

Applicants reacted immediately in a favourable and most positive way. Verbal feedback was received from applicants indicating a high level of satisfaction with the format, especially since it effectively eliminated any reproduction fees. Some requesters re-submitted former requests once they realized that the initial reproduction fees would no longer be applicable. In these cases, pursuant to the “duty to assist” provisions, all responsive records were carefully reviewed a second time to see whether, with the lapse of time, further information could possibly be released. Two requests that were treated in this manner did result in further disclosure.

## 5.10 Fees

**Table VIII – Fees received by the OIC between April 1, 2008 and March 31, 2009**

Type of fee		\$
Application Fees		560.00
Reproduction		70.00
<b>Total</b>		<b>630.00</b>
Fees Waived	Frequency	\$
\$25.00 or under	1	5.00
Over \$25.00	0	
<b>Total</b>		<b>5.00</b>

As noted, in some instances, applicants who had previously been provided with access to records in the reading room, or who had abandoned their requests when fee estimates for reproduction were assessed, resubmitted their requests. To assist them, we created new files and waived the application fees in order to preserve the applicants' right to complain to the Information Commissioner *Ad Hoc* about the new file. In particular, we informed a requester on two files that we would proceed in this way. When we realized that two files contained duplicate information, we merged them with the requesters' consent, so that only one instance of the fee being waived is documented above.

### **5.11 Costs to administer the ATI program**

**Table IX – Costs to administer the OIC ATI program between April 1, 2008 and March 31, 2009**

<b>Financial</b>	
Salary	<b>\$272 453.36</b>
Administration (O & M)	<b>\$83 897.11</b>
<b>Total</b>	<b>\$356 350.47</b>
Person Year (decimal format)	<b>98.26%</b>

### **5.12 Duty to Assist**

We have also made every effort to fulfill our duty to assist requesters. Here are some examples of how we put this duty into action in the past year:

- We reviewed CD release packages to identify any information that could be misunderstood or unclear, and provided explanations to requesters.
- We discussed any potential time extensions with requesters prior to actually extending the timeline, and provided a clearly documented rationale for the additional time on the notice of extension, as well as the new due date.
- We negotiated the shortest possible turnaround time on consultations with federal institutions in order to provide the timeliest access possible, and released all records that did not require consultation within 30 days.
- We followed up on requests involving records not being disclosed under section 26 because of impending publication, and we responded to requesters once the records were published.
- We opened abandoned files as new requests, when necessary, and waived application fees, in order to preserve applicants' right to complain.

## **6 Changes to the organization, programs, operations or policy**

### **Enhancing our information management capacity**

Information management (IM) is critical to the success of our new business model. We produce a significant amount of documentation in the form of investigation files, legal opinions, memos, briefings, correspondence and other information. In turn, we receive a significant amount of information from external sources. To take best advantage of all this information, we must manage it in such a way that we can easily coordinate, re-use, re-purpose and distribute it in a useful, targeted and responsible manner.

In 2008–2009, we conducted a thorough assessment of our IM capacity. Consequently, we created a new IM division—regrouping the information technology (IT) function, the Records Centre, Library Services and the Access to Information and Privacy Secretariat—and developed a comprehensive long-term IM/IT strategy designed to make IM service delivery more proactive.

#### **IM/IT renewal**

In 2008–2009, we developed a five-year strategic plan aimed at positioning us as a leader in resolving access to information complaints and providing agile and enhanced service delivery. This plan identified a number of IM/IT renewal initiatives designed to enable us to create, manage, access and share information and knowledge with a seamless technology infrastructure. Our initiatives included the following:

- We established a new unit with a director and five IT professionals, who are responsible for implementing our IM/IT vision.
- We created a proactive service delivery model that anticipates business needs and identifies strategic solutions.
- We consolidated our IT infrastructure, with appropriate and up-to-date software and processes, including tools for project and change management.
- We updated or developed and implemented all the required policies and procedures.
- We increased security measures to protect data, both at rest and in transit across our network, according to their security classification while minimizing the impact of existing and emerging threats to the integrity of the information.

The results of our IM/IT renewal initiatives have been immediate and significant. The successful consolidation of the network and desktop environment has had a positive impact on our productivity while improving overall IT security, stability and management.

#### **Records management**

Since the Office of the Information Commissioner was founded in 1983, we have conducted thousands of investigations. Over the years, the volume of files associated with closed investigations increased to the point that we had to take decisive action to

manage the overwhelming quantity of paper records. In 2008–2009, we developed our first Records Disposition Authority to determine how long we should keep present and future paper and electronic records created by investigators.

We also increased the capacity of our records section, in anticipation of the work we will have to do to develop and implement an institutional information management framework. Specifically, we created the positions of Manager, Information Management, and Manager, Records, to develop and maintain critical elements of the framework, such as a universal classification system, business rules and a concept of operations, as well as additional disposition authorities to cover all institutional records.

### **Access to Information and Privacy Secretariat**

Since our organization became subject to the *Access to Information Act* in 2007, we have proactively managed our access to information program with the goal of achieving perfect compliance with the law. We used new funding obtained in 2007 to staff analyst positions and to purchase electronic request processing software. Electronic processing allows us to manage records associated with access and privacy requests more efficiently, maximize compliance with deadlines, and deliver records on CD-ROM, which effectively eliminates photocopy fees—a potential barrier to access.

The resulting improvement in information management has had several benefits:

- reproduction fees have been eliminated;
- packages of records are easily re-created, when necessary;
- statistical reporting is more accurate; and
- the overall quality of the packages of records we release is generally improved, in terms of organization of the records, legibility, contextualization of information and completeness and accuracy.

The impact of better information management has also allowed us to build our access to information and privacy capacity. Given the widespread shortage in qualified personnel across federal institutions, and the need for more junior staff to come up to speed quickly, having reliable electronic records keeping and accompanying processes means that we can spend less time on training than previously and allows for greater ease of succession.

## **7 New policies or procedures**

Since the OIC became subject to the *Privacy Act* and the *Access to Information Act*, we also became subject to the *Library and Archives Act*. As a result, in 2008-09, the OIC developed its first submission to Library and Archives Canada under the Multi-Institutional Disposition Authority (MIDA) for the case files to deal with the paper and possible future electronic records being created and stored by the investigative function. Further submissions are envisaged to cover the remaining categories of institutional records.

## 8 Education and training activities

Consistent with the focus on information management activities within the OIC, training sessions were offered on the Records Disposition Authority (RDA) for the investigative files. Sessions focused on the Multi-Institutional Disposition Authorities from LAC, and the strategy for implementation of the OIC's RDA. The training was offered to all investigators and their support personnel in both official languages.

A new training module was developed to assist OIC program officials in understanding their responsibilities in retrieving records and making recommendations. The module which will be offered early in the next fiscal year outlines the step by step process for officials to follow in carrying out their responsibilities under the *ATIA*. Analysts in the ATIP Secretariat will also receive section-specific training offered by the Treasury Board Secretariat as required.

## 9 Investigations by the Information Commissioner *Ad Hoc*

In its second year of operations, 13 complaints were filed with the Office of the Information Commissioner *Ad Hoc*.

**Table X – Complaints filed with the Information Commissioner *Ad Hoc* between April 1, 2008 and March 31, 2009**

Type of complaint	Number	Percentage
Withholding Information	11	84.62
Length of extensions	2	15.38
Assessment of fees	0	0
<b>Total</b>	<b>13</b>	<b>100</b>

The majority of complaints filed with the Information Commissioner *Ad Hoc* concerned the withholding of information. There were 11 complaints (84.62 percent) regarding how exemptions were applied that withheld information from requesters. A further two complaints (15.38 percent) related to the length of extensions applied.

**Table XI – Outcome of complaints investigated by the Information Commissioner *Ad Hoc* between April 1, 2008 and March 31, 2009**

Outcome	Number of occurrences	Percentage
Not well founded / unsubstantiated	6	46.15
Carried over into new fiscal	6	46.15
Resolved	1	7.69
<b>Total</b>	<b>13</b>	<b>99.99</b>

Seven investigations were completed during the reporting period. The Information Commissioner *Ad Hoc* found that of these seven, six were not well founded or were unsubstantiated, and one was resolved through further disclosure. In the case of the complaint that was resolved through further disclosure, an initial review of records pertaining to the re-organization of the OIC had resulted in portions of information being severed. With the passage of time these records became less sensitive and could then be released, leading the Information Commissioner *Ad Hoc* to find that the complaint was resolved. The remaining six were carried over into the new fiscal year.



Information  
Commissioner  
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Commissaire  
à l'information  
du Canada

112 Kent Street,  
Ottawa, Ontario  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

112, rue Kent,  
Ottawa (Ontario)  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

**Information Commissioner's Delegation of authority to the Commissioner *ad hoc*  
pursuant to section 59 of the *Access to Information Act*  
Délégation du Commissaire à l'information des pouvoirs et fonctions au Commissaire  
*ad hoc* en vertu des dispositions de l'article 59 de la *Loi sur l'accès à l'information***

Pursuant to subsection 59(1) of the *Access to information Act* (the "*Act*"), the Information Commissioner of Canada duly appointed pursuant to section 54 of the *Access to Information Act*, does hereby authorize Peter de C. Cory, as Commissioner *ad hoc*, to exercise or perform all of the powers, duties and functions of the Information Commissioner set out in the *Access to Information Act*, including sections 30 to 37 and section 42 inclusive of the *Access to Information Act*, for the purpose of receiving and independently investigate any complaint described in section 30 of the *Access to Information Act* arising in response to access requests made in accordance with the *Act* to the Office of the Information Commissioner of Canada.

This delegation is effective June 28, 2007, for a one year period until such time as it is revoked, amended or renewed.

Dated at Ottawa, this 28<sup>th</sup> day of June 2007.

En vertu des dispositions de l'article 59 de la *Loi sur l'accès à l'information*, le Commissaire à l'information du Canada, nommé selon l'article 54 de la *Loi sur l'accès à l'information*, délègue à Peter de C. Cory à titre de Commissaire *ad hoc*, les pouvoirs et fonctions qui lui sont conférés par la *Loi sur l'accès à l'information*, incluant les articles 30 à 37 et l'article 42 de la *Loi* afin de recevoir et de faire enquête de façon indépendante au sujet de toute plainte énumérée à l'article 30 de la *Loi* provenant des réponses aux demandes de communication faites au Commissariat à l'information du Canada en vertu de la *Loi*.

Cette délégation prendra effet le 28 juin 2007 pour une période de 1 an, ou jusqu'à ce qu'elle soit révoquée, modifiée ou renouvelée.

Signée à Ottawa, le 28 juin 2007.

Robert Marleau  
Information Commissioner of Canada  
Commissaire à l'information du Canada



## Appendix B



Office of the  
Information  
Commissioner  
of Canada

Commissariat  
à l'information  
du Canada

Legal Affairs  
112 Kent Street  
Ottawa, Ontario  
K1A 1H3

Services juridiques  
112, rue Kent  
Ottawa (Ontario)  
K1A 1H3

(613) 995-2410  
1-800-267-0441  
Fax: (613) 947-5252  
oiclegal@infocom.gc.ca

**Information Commissioner's Delegation of authority to the Commissioner *ad hoc*  
pursuant to section 59 of the *Access to Information Act*  
► **Délégation du Commissaire à l'information des pouvoirs et fonctions au Commissaire  
*ad hoc* en vertu des dispositions de l'article 59 de la *Loi sur l'accès à l'information*****

The delegation to the Hon. Peter de C. Cory  
dated June 28 2007 is hereby revoked.

La délégation à l'hon. Peter de C. Cory en  
date du 28 juin 2007 est révoquée.

Dated at Ottawa, this 1<sup>st</sup> day of May 2008.

Signée à Ottawa, le 1 mai 2008.

Robert Marleau  
Information Commissioner of Canada  
Commissaire à l'information du Canada



Information  
Commissioner  
of Canada

Commissaire  
à l'information  
du Canada

112 Kent Street,  
Ottawa, Ontario  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

112, rue Kent,  
Ottawa (Ontario)  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

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Délégation du Commissaire à l'information des pouvoirs et fonctions au Commissaire *ad hoc* en  
vertu des dispositions de l'article 59 de la *Loi sur l'accès à l'information***

Pursuant to subsection 59(1) of the *Access to information Act* (the "*Act*"), the Information Commissioner of Canada duly appointed pursuant to section 54 of the *Access to Information Act*, does hereby authorize the Hon. W. Andrew MacKay, as Commissioner *ad hoc*, to exercise or perform all of the powers, duties and functions of the Information Commissioner set out in the *Access to Information Act*, including sections 30 to 37 and section 42 inclusive of the *Access to Information Act*, for the purpose of receiving and independently investigate any complaint described in section 30 of the *Access to Information Act* arising in response to access requests made in accordance with the *Act* to the Office of the Information Commissioner of Canada.

This delegation is effective May 1, 2008 for a one year period until such time as it is revoked, amended or renewed.

Dated at Ottawa, this <sup>7</sup> day of May 2008.

En vertu des dispositions de l'article 59 de la *Loi sur l'accès à l'information*, le Commissaire à l'information du Canada, nommé selon l'article 54 de la *Loi sur l'accès à l'information*, délègue à l'hon. W. Andrew MacKay à titre de Commissaire *ad hoc*, les pouvoirs et fonctions qui lui sont conférés par la *Loi sur l'accès à l'information*, incluant les articles 30 à 37 et l'article 42 de la *Loi* afin de recevoir et de faire enquête de façon indépendante au sujet de toute plainte énumérée à l'article 30 de la *Loi* provenant des réponses aux demandes de communication faites au Commissariat à l'information du Canada en vertu de la *Loi*.

Cette délégation prendra effet le 1 mai 2008 pour une période de 1 an, ou jusqu'à ce qu'elle soit révoquée, modifiée ou renouvelée.

Signée à Ottawa, le <sup>7</sup> mai 2008.

Robert Marleau  
Information Commissioner of Canada  
Commissaire à l'information du Canada



Information  
Commissioner  
of Canada

112 Kent Street,  
Ottawa, Canada  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

Commissaire  
à l'information  
du Canada

112, rue Kent,  
Ottawa (Ontario)  
K1A 1H3  
(613) 995-2410  
1-800-267-0441

**Delegation orders for the purpose of the Access to Information Act  
and the Privacy Act**  
**Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information  
et de la Loi sur la protection des renseignements personnels**

The Information Commissioner of Canada, pursuant to Section 73 of the Access to Information Act and Privacy Act, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institution that is, the Office of the Information Commissioner of Canada.

En vertu de l'article 73 de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels, le Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire les dits postes, les attributions dont il est investi en qualité de responsable d'une institution fédérale, c'est-à-dire le bureau du Commissaire à l'information du Canada.

**Schedule/Annexe**

<b>Position/Poste</b>	<b>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</b>	<b>Access to Information Act and Regulations/Loi sur l'accès à l'information et règlements.</b>
Suzanne Legault Assistant Information Commissioner/ Commissaire à l'information adjointe	Full Authority/ Autorité Absolue	Full Authority Autorité Absolue
Christian Picard Director, Information Management/ Directeur, Gestion de l'information	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Marey Gregory Senior Program and Policy Analyst/ Analyste principal, Programmes et Politiques	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,  
this 30<sup>th</sup> day of November, 2007

Daté, à Ottawa  
ce 30<sup>e</sup> jour de nov. 2007

The Information Commissioner of Canada  
Mr. Robert Marleau

M. Robert Marleau  
Le Commissaire à l'information du Canada



Information  
Commissioner  
of Canada

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and the *Privacy Act*  
Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information*  
et de la *Loi sur la protection des renseignements personnels***

The Information Commissioner of Canada, pursuant to Section 73 of the *Access to Information Act* and *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers and functions of the Information Commissioner of Canada as the head of a government institutions that is, the Office of the Information Commissioner of Canada.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*, le Commissaire à l'information du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont il est investi en qualité de responsable d'une institution fédérale, c'est-à-dire le bureau du Commissaire à l'information du Canada.

Position/ Poste	Schedule / Annexe	
	<i>Privacy Act and Regulations/ Loi sur la protection des renseignements personnels et règlements.</i>	<i>Access to Information Act and Regulations/ Loi sur l'accès à l'information et règlements.</i>
Suzanne Legault Assistant Commissioner, Policy, Communications and Operations / Commissaire adjointe, Politiques, communications et opérations	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Monica Fuijksht Director, Information Services and Knowledge Management/ Directrice, Services d'information et gestion du savoir	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue
Christian Picard Director, Strategic Case Management Team/ Directeur, Groupe de gestion stratégique des dossiers	Full Authority/ Autorité Absolue	Full Authority/ Autorité Absolue

Dated, at the City of Ottawa,  
this 10<sup>th</sup> day of November 2008

Daté à Ottawa  
ce 10<sup>e</sup> jour de novembre 2008

The Information Commissioner of Canada  
Mr. Robert Marleau

M. Robert Marleau  
Le Commissaire à l'information du Canada

# Appendix F



Government of Canada / Gouvernement du Canada

## REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Office of the Information Commissioner of Canada			Reporting period / Période visée par le rapport 04/01/2008 to/à 03/31/2009		
Source	Media / Médias 10	Academia / Secteur universitaire 0	Business / Secteur commercial 84	Organization / Organisme 2	Public 17

### I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçus pendant la période visée par le rapport	113
Outstanding from previous period / En suspens depuis la période antérieure	1
<b>TOTAL</b>	<b>114</b>
Completed during reporting period / Traités pendant la période visée par le rapport	109
Carried forward / Reportées	5

### II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	27	6. Unable to process / Traitement impossible	6
2. Disclosed in part / Communication partielle	64	7. Abandoned by applicant / Abandon de la demande	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	2	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	7	<b>TOTAL</b>	<b>109</b>
5. Transferred / Transmission	0		

### III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	4	S. Art. 18(b)	0	S. Art. 21(1)(a)	2
(b)	0	(b)	1	(c)	0	(b)	1
(c)	2	(c)	5	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	52	(d)	1
S. Art. 14	0	S. Art. 16(2)	11	S. Art. 20(1)(a)	3	S. Art. 22	3
S. 15(1) International rel. / Relations intern.	1	S. Art. 16(3)	0	(b)	14	S. Art. 23	5
Defence / Défense	0	S. Art. 17	0	(c)	5	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	6	S. Art. 26	2

### IV Exclusions cited / Exclusions citées

S. Art. 68(a)	2	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	1	(f)	0
(b)	0	(g)	0

### V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	88
31 to 60 days / De 31 à 60 jours	16
61 to 120 days / De 61 à 120 jours	5
121 days or over / 121 jours ou plus	0

### VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	16	3
Consultation	0	3
Third party / Tiers	0	3
<b>TOTAL</b>	<b>16</b>	<b>9</b>

### VII Translations / Traduction

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

### VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	81
Examination / Examen de l'original	8
Copies and examination / Copies et examen	2

### IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$560.00	Preparation / Préparation	0
Reproduction	\$70.00	Computer processing / Traitement informatique	0
Searching / Recherche	0	<b>TOTAL</b>	<b>\$630.00</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		1	\$ 5.00
Over \$25.00 / De plus de 25 \$		0	\$

### X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 272 453.36
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 83 897.11
<b>TOTAL</b>	<b>\$ 356 350.47</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	98.26

TBS/SCT 350-62 (Rev. 1999/03)



## **Supplemental Reporting Requirements**

### *Access to Information Act*

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

#### **Part III – Exemptions invoked**

Section 13

Subsection 13(e) Nil

Section 14

Subsections 14(a) Nil

14(b) Nil

#### **Part IV – Exclusions cited:**

Subsection 69.1 (1) Nil

## **Exigences en matière de rapports supplémentaires**

### *Loi sur l'accès à l'information*

En plus des exigences relatives à l'établissement de rapports dont on traite au formulaire TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit, en utilisant le présent formulaire :

#### **Partie III – Exceptions invoquées**

Article 13

Paragraphe 13(e) Aucune

Article 14

Paragraphes 14(a) Aucune

14(b) Aucune

#### **Partie IV – Exclusions citées**

Paragraphe 69.1 (1) Aucune

## Appendix H

Discrepancies	Divergences
<p><b>III-Exemptions invoked</b></p> <p>S.16.1(1)(c)            16 times</p> <p><b>X- Costs</b> All operating and maintenance costs are borne by other OIC Directions i.e.: Information Technologies (Computers, printouts etc), Finance &amp; Administrative Services (supplies, mailing etc.)</p> <p><b>Other</b> The OIC received and responded to 22 consultations from other government institutions.</p>	<p><b>III –Exceptions invoquées</b></p> <p>Art. 16.1(1)(c)            16 fois</p> <p><b>X-Coûts</b> Tous les frais de fonctionnement et de maintien sont assumés par d’autres directions du CIC ex: Technologie de l’information (ordinateurs, imprimés, etc), Finance et Services Administratifs (fournitures de bureau, frais postaux, etc.)</p> <p><b>Autres</b> Le CIC a reçu et répondu à 22 consultations d’autres institutions gouvernementales.</p>